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10/658,719	09/09/2003	John Wadsworth	7755	2773

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EXAMINER

CHAUDHRY, SAEED T

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/658,719

Applicant(s)

WADSWORTH ET AL.

Examiner

Saeed T Chaudhry

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 17-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-22 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Art Unit: 1746

## **DETAILED ACTION**

### **Election/Restriction**

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I, Claims 1-16, drawn to an apparatus having a pump, an applicator connected to the pump for passing cleaning agent at 600 PSI or less and flow rate for 1 gal/min, classified in Class 134, subclass .

Group II, Claims 17-22, drawn to a method for cleaning by applying a chemical agent at 600 PSI or less and rinsing the surface, classified in Class 134, subclass 26.

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (M.P.E.P. § 806.05(e)). In this case the process as claimed can be practiced by another materially different apparatus ---or the apparatus as claimed can be used to practice another and materially different process such as coating a surface or spraying liquid on the grass.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, have acquired a separate status in the art because of their recognized divergent subject matter, the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Michael B. Martin on September 21, 2004, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-16. Affirmation of this election must be made by applicant in responding to this Office action. Claims 17-22 are withdrawn from further consideration by the Examiner, 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

### **Joint Inventors**

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

### **The Specification**

The disclosure is objected to because of the following informalities:

On page 10, line 6, recite "dilution system 26" and on page 10, at lines 21 through 22 recite "the housing 26", wherein same character is used for dilution system and the housing. Appropriate correction is required.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (c) he has abandoned the invention.
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- (f) he did not himself invent the subject matter sought to be patented.
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable

Art Unit: 1746

diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**Claims 1-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Robinson.**

Robinson (6,206,980) discloses an apparatus for cleaning a surface comprising a pump (18), an applicator ((58) , which applies a cleaning agent to the surface to be cleaned. As best shown in FIG. 3, the liquid delivery line includes a water tank-to-pump section 60, the pump itself, a pump-to-cleaning-liquid injector section 62, a cleaning-liquid injector 64, and an external section, with the outer end of the external section being connectable with the spray gun.

Although various types of pumps may be used, with the pumps offering different gallon-per-minute (GPM) and pounds-per-square inch (PSI) values, advantageously, the pump is a positive displacement pump. Moreover, it has been found that particularly beneficial results may be achieved with a positive displacement pump having 400 PSI and 1.0 GPM performance characteristics (see col. 6, lines 15-35).

As is evident from the particular machines 6, 8 shown in FIGS. 1 and 2, the multi-functional cleaning machine truly is a mobile, cleaning center. In further detail, and as best shown in FIGS. 1-14, the Machine includes a base unit 28 which houses several of the Machine components, and which supports various tank assemblies. The base unit further includes two large wheels 30 and two caster wheels 32, thereby enabling a single person to move the Machine from one location to another with ease.

In the pressure washing system, and with reference to FIGS. 1 and 4, the top wall 36 of the water tank includes several recessed wells 38, which may be used to receive and releasably hold various cleaning items. Most advantageously, the wells are used to hold spray bottles, jugs, or other containers 40 of various cleaning liquids. The front right well 35 includes a round

Art Unit: 1746

opening in its base, and serves as a fill port 37 for filling the water tank with clean water (see col. 5, lines 37-58).

The container (40), which holds a cleaning agent can be detached from the mobile cart and capable of holding surfactant based cleaning agent having pH from 2.0 to 14.0. The inner end of the liquid delivery line is connected to a water intake opening (52) in the bottom wall of the water tank (see col. 6, lines 15-17). The apparatus is capable of preparing the cleaning agent in solution form and dilution ratio prior to application to the surface (see Fig. 3). Robinson discloses all the limitation as claimed herein. Therefore, Robinson anticipate the claimed apparatus.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

**Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoenisch et al in view of Eastman Jr. et al.**

Hoenisch et al (6,571,805) disclose an apparatus comprising a pump (13) and an applicator (29) for applying solution of cleaning agent on a surface to be cleaned. Fig. 1 and 4 show a pressure washer 10 having a wheeled chassis 11 as well as a liquid pump 13, a pump-

Art Unit: 1746

driving prime mover 15 (e.g., an internal combustion engine), and a liquid container (such as container C1), all supported by the chassis 11. The pump 13 has a water inlet port 17 and is coupled to a mixing device 19 such as a venturi-type eductor mixer.

A washer 10 has first, second, third and fourth containers C1, C2, C3, C4, respectively. All of the containers C1, C2, C3, C4 as well as the product selecting valve 21 are supported on and by the chassis 11. The multi-container, valve-equipped pressure washer 10 permits the user to select (by valve manipulation) any one of several chemical products, e.g., a detergent product, a car wash product, a deck wash product, an automobile wax product, or a multi-purpose cleaning product. In a specific embodiment of the washer 10, each of the first, second and third containers C1, C2, C3 contains or is intended to contain within it a different washing or waxing product (and, preferably, is suitably marked to designate such product). The fourth container C4 has "rinse-out" water in it and is so designated (see col. 4, lines 29-54). The mixing device 19 mixes the selected product with high-pressure water (flowing from the garden hose and pressurized by the pump 13) in appropriate proportion to form a washing or waxing solution of proper "strength." The solution is then directed along a hose 27 to a spray wand 29 (see col. 4, lines 55-59). The reference fails to disclose that the pump operate at a pressure of 600 psi or less and flow rate of a gal/min or less.

Eastman, Jr. et al (6,258,177) disclose an apparatus comprising an applicator (nozzle 28) connected to a pressure supply unit and trigger mechanism (14) to open a valve. In the preferred embodiment, the pressure is about 1000 psi with a flow rate of approximately one gallon per minute. It should be noted that a wide pressure range of between 50 psi and 3000 psi can be used, depending upon how compacted the sedimentary waste is, Increases or decreases in

Art Unit: 1746

volumetric flow rate from 0.25 gpm to over 10 gpm can be varied depending on the amount of sedimentary waste to be removed (see col. 4, lines 2-10 and Fig. 2).

It would have been obvious at the time applicant invented the claimed apparatus for cleaning a surface to manipulate the pump flow rate and pressure to 1 gal/min or less and 600 psi or less to include the teaching of Eastman Jr. et al into the apparatus of Hoenisch et al for the purpose of better and efficient cleaning the surface because Eastman Jr. et al suggested that wide range of pressure between 50 psi and 3000 psi and increasing or decreasing the flow rate from 0.25 gpm to over 10 gpm can be used depending upon the removal of the waste from the surface. The container are capable of holding cleaning agent having pH between 2.0 to 14.0 and surfactants. Further, Hoenisch et al disclose that the mixing device 19 mixes the product in appropriate proportion to form a washing solution of proper strength. Therefore, Hoenisch et al apparatus is capable of preparing the cleaning agent at a dilution ratio that is from 1:4 to 1:256.

#### ***Prior Art***

Merfeld et al (3,675,851) disclose a portable high pressure washer comprising a pump and an applicator, wherein the pump is capable of delivering 2 gal/min at 500 psig at 1140 rpm.

Schreiber et al (4,897,122) disclose a mobile apparatus having a pressure washer tank connected to a pump and hand held nozzle, which provide pressure washer i.e. about 800 psi at 1.5 gal/min and 1000 psi at 0.75 gal/min.

Wemmer (4,341,350) discloses a chemical injection system for selectively adding a chemical solution to the high velocity water spray discharged by a high pressure water washer.

***Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saeed T. Chaudhry whose telephone number is (571) 272-1298. The examiner can normally be reached on Monday-Friday from 9:30 A.M. to 4:00 P.M.***

***If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Michael Barr, can be reached on (571)-272-1414. The fax phone number for non-final is (703)-872-9306.***



Art Unit: 1746

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*Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1700.*

**Saeed T. Chaudhry**  
Patent Examiner



**MICHAEL BARR**  
SUPERVISORY PATENT EXAMINER